



**CITY OF LODI  
COUNCIL COMMUNICATION**

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**AGENDA TITLE:** Introduce Ordinance Amending Lodi Municipal Code Title 17 –Zoning, Chapter 17.57 "General Regulations and Exceptions", by Repealing and Reenacting in its Entirety §17.57.180 "Refuse Container Storage and Collection Areas."

Introduce Ordinance Amending Lodi Municipal Code Title 13 – Public Services, Chapter 13.16 "Solid Waste", by Repealing and Reenacting Section 13.16.050 (A) Relating to Placement of Garbage Containers for Collection Purposes

**MEETING DATE:** February 15, 2006

**PREPARED BY:** D. Stephen Schwabauer, City Attorney

**RECOMMENDED ACTION:** That the City Council introduce Ordinance Amending Lodi Municipal Code Title 17 –Zoning, Chapter 17.57 "General Regulations and Exceptions", by Repealing and Reenacting in its entirety §17.57.180 "Refuse Container Storage and Collection Areas"; and


That the City Council introduce Ordinance Amending Lodi Municipal Code Title 13 – Public Services, Chapter 13.16 "Solid Waste", by Repealing and Reenacting Section 13.16.050(A) Relating to Placement of Garbage Containers for Collection Purposes.

**BACKGROUND INFORMATION:** In light of problems that some constituents are having with uncooperative neighbors regarding garbage containers that are left out, the amended Chapter 17.57.180 require garbage containers to be placed along the frontage of each customers' property and downgrade the violation to an infraction penalty of the Lodi Municipal Code Title 1 -- General Provisions, Chapter 1.08 "General Penalty."

This change to Title 13 is a clean up Ordinance required in connection with the Garbage Container Placement Ordinance to include a reference to Chapter 17.57 "General Regulations and Exceptions," specifically Section 17.57.180 "Refuse Container Storage and Collection Area," which deals directly with issues related to garbage container placement.

**FUNDING:** Not applicable.

**FISCAL IMPACT:** N/A

  
D. Stephen Schwabauer, City Attorney

**Attachments**

cc Richard Prima, Public Works Director  
George Bradley, Street Superintendent

**APPROVED:**   
Blair King, City Manager

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LODI AMENDING LODI MUNICIPAL CODE TITLE 17 – ZONING,  
CHAPTER 17.57 “GENERAL REGULATIONS AND EXCEPTIONS”,  
BY REPEALING AND RE-ENACTING IN ITS ENTIRETY §17.57.180  
REFUSE CONTAINER STORAGE AND COLLECTION AREAS

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 17 “Zoning” Chapter 17.57 “General Regulations and Exceptions” §17.57.180 “Refuse Container Storage and Collection Areas” is hereby repealed and re-enacted in its entirety, and shall read as follows:

The following regulations shall apply to the garbage, refuse and recycling facilities on residential and commercial properties. Placement of such facilities within the public right-of-way is governed by Chapter 12.04 and Chapter 17.57.180 of this code.

- A. Roll-away and Portable Containers. All roll-away and other portable containers must be kept out-of-view from the public right-of-ways, excluding alleys, and may not be stored within the front yard setback.
- B. Dumpster Bins. All dumpster bin storage and refuse collection areas shall be screened from public view by a concrete block or masonry wall or in such a manner so that it is not visible from abutting public right-of-ways, excluding alleys. All storage and collection areas and enclosures shall be maintained in a sanitary condition and walls, roof coverings and doors to enclosures must be maintained in good condition and must be in working order.
- C. Exceptions. The following exceptions pertain to both commercial and residential garbage, refuse and recycling facilities:
  - 1. Garbage, refuse and recycling storage containers can be placed out for collection, from five p.m. the day before garbage collection to eight p.m. the day of garbage collection, in accordance with the requirements of the garbage collector. Residential customers shall place their containers within the frontage of their own property unless otherwise approved by the Public Works Director.
  - 2. Rented containers and dumpster bins can be placed in public view on private property for the duration of the special project, remodeling or construction project, or special event for which they are being used, but must be maintained in a sanitary condition and removed when filled to prevent overflow and blight.

D. Violation. Any violation of this section shall be deemed an infraction and shall be subject to all terms and conditions of Lodi Municipal Code Title 1 "General Provisions" Chapter 1.08 "General Penalty."

Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 4. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect 30 days from and after its passage and approval.

Approved this \_\_\_\_ day of February, 2006

Attest:

\_\_\_\_\_  
SUSAN J. BLACKSTON  
City Clerk

\_\_\_\_\_  
SUSAN HITCHCOCK  
Mayor

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held February 15, 2006, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_ was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING  
LODI MUNICIPAL CODE TITLE 13 – PUBLIC SERVICES , CHAPTER 13.16  
“SOLID WASTE”, BY REPEALING AND REENACTING SECTION 13.16.050 (A)  
RELATING TO PLACEMENT OF GARBAGE CONTAINERS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 13 “Public Services” Chapter 13.16 “Solid Waste” is hereby amended by repealing and reenacting Section 13.16.050(A) – relating to placement of garbage containers, and shall read as follows:

- A. Residential. Residential customers utilizing refuse carts shall place containers at the curb or other areas as approved by the Public Works Director. ~~Residential customers using container service shall place such containers on their premises in an approved location readily accessible to the contractor, free of obstacles.~~ All containers must be placed in a location readily accessible to the contractor, free of obstacles. Containers shall be maintained in accordance with Lodi Municipal Code Title 17 “Zoning” Chapter 17.57 “General Regulations and Exceptions” Section 17.57.180 “Refuse Container Storage and Collection Areas”. Failure to meet any of these conditions shall constitute cause for the contractor’s refusal to perform collection services. The contractor shall, after collection, return containers/carts to the location from which they were collected.

Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

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SUSAN J. BLACKSTON  
City Clerk

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SUSAN HITCHCOCK  
Mayor

State of California  
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SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney